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J. D. MAYNE.

The Madras Law Journal ought not to pass over in silence the death of John Dawson Mayne. It is true that he left India forty-five years ago, but he has left his works behind and they are not likely to be forgotten. Called to the Bar in 1854 he remained in England two or three years during which time he wrote the book on Damages which still survives. He appeared in Madras first in the capacity of a Professor of Moral Philosophy at the Presidency College, but that post he soon gave up in favour of practice at the Bar, which then of course meant the bar of the Supreme Court. In course of time he was appointed Crown Prosecutor and also Secretary in the Legislative department. In the latter capacity he was employed in the drafting of bills. Later on, on the retirement of J. B. Norton, he acted as Advocate-General. It is a mistake to suppose that he was as described in the "Times," Administrator-General. As an Advocate it is pretty safe to say that he had not and never has had a rival in Madras. Even at the Bar of the Judicial Committee he had for at least ten years a unique position as an Advocate and as an expert in Indian Law and Hindu Law in particular. Of his work in India the record will be found in the eight volumes of the High Court Reports, in his Commentary on the Penal Code and his book on Hindu Law which however did not appear till six years after he left India. As the reports show, he could not have chosen a better time for his sojourn in the country. The Bar was comparatively weak in those days and the spirit of litigiousness among the big Zemindars was strong. The result was that by the end of 1872 he was in a position to return to England and take his chance at the bar of the Judicial Committee. He came home with a portmanteau full of retainers and the materials for his Hindu Law. To estimate the value of that work it must be remembered that in those days nothing of the kind had been attempted before. Strange's Hindu Law, Strange's Manual, and Norton's Leading Cases were about the only books other than the Texts of Commentators which a lawyer had to consult. There were no records of customs and but few Judicial decisions. It was an ambitious task which Mayne undertook when he set to work

not merely to expound Hindu Law as it was, but to explain how it came to be what it was. The lawyers of the present day ought to be grateful to him. They may criticize him and point out mistakes but they cannot get away from the fact that he helped materially to make Hindu Law what it now is. He made it in the sense that judicial decisions make law, namely, by making it intelligible.

Apart from law Mayne was a remarkable man. I remember hearing glowing accounts of his orations at Pachiyappa's school, and from personal knowledge I can speak of his wit and conversational powers. He had all the charm of a man who is full of life and of the joy of life. Even in his last photograph, which he sent me one Christmas two or three years ago, you see the vivid intelligence and alertness which distinguished him when I first knew him in the prime of his life.

H. H. SHEPHARD.

BOOK REVIEW.

THE INDIAN PENAL CODE (WITH CASE LAW). *By D. R. Sawhny (1916).*

This volume does not profess to be a treatise on the Law of Crimes like the well-known treatises of Mayne, Ratanlal or even of Nelson. It is intended purely as a book of ready reference to be taken with a lawyer when he has to practice before Magistrates who dispose of cases while in tour where it will be difficult to carry the reports themselves. The Magistrate will also find the volume of great assistance to him for the same reason. Under the sections the author gives a short statement of the facts of each case and the decision thereon. We would however suggest that when the author brings out a second edition of this book, he would group the cases under each section under appropriate headings so as to attract the attention of the practitioners easily. We would desire the introduction of some such system as has been adopted in the Lawyer's Companion series published at the Law Printing House, Madras. We must be grateful to the author for the trouble he has bestowed in examining the large mass of caselaw and giving a clear epitome of the facts of each case. We gladly recommend this volume for the use of every one that has to do with the administration of criminal law in India.

[*End of Vol. 32.*]